



CANNON BUILDING
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STATE OF DELAWARE
COUNCIL ON REAL ESTATE APPRAISERS

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| PUBLIC MEETING MINUTES: | COUNCIL ON REAL ESTATE APPRAISERS |
| MEETING DATE AND TIME: | Tuesday, June 17, 2014 at 9:30 a.m. |
| PLACE: | 861 Silver Lake Boulevard, Dover, Delaware Conference Room A , 2nd floor of the Cannon Building |
| MINUTES APPROVED: | July 15, 2014 |

Members Present

Lynn Baker, Professional Member, Vice Chair
Brad Levering, Professional Member
Ronald Mandato, Professional Member
Douglas Nickel, Professional Member
Frank Long, Public Member

Division Staff/Deputy Attorney General

Kevin Maloney, Deputy Attorney General
Amanda McAtee, Administrative Specialist II
Flora Peer, Administrative Specialist II (training)

Members Absent

Georgianna Trietley, Chair, Professional Member

Public Present

Earl Loomis
Anne Bernhardt

Call to Order

Mr. Baker called the meeting to order at 9:30 a.m.

Review and Approval of Minutes

May 20, 2014

The Council reviewed the minutes from the May 20, 2014. Mr. Nickel made a motion, seconded by Mr. Mandato, to approve the minutes as submitted. By unanimous vote, the motion carried.

Unfinished Business

Status of Complaints

19-01-14 Dismissed by the Division
19-07-13 Forwarded to the Office of the Attorney General

Continued Discussion and Consideration of Temporary Practice Permit Regulations

Mr. Nickel stated that he noticed that the Council had ratified temporary practice permits for individuals more than on a couple occasions and questioned at what point temporary practice became something more long term and ceased to be practice on a temporary basis. Mr. Mandato stated that a lot of times in the business an appraiser would apply for the temporary permit and then would be assigned another job that would require another temporary permit. Mr. Mandato stated that he did not believe that Council should limit the amount of temporary permits issued per calendar year. Mr. Baker stated that it would make it difficult on the appraiser because once an appraiser reached the limit of temporary permits they would then have to apply for licensure and that would take some time to process. Mr. Maloney stated that it was questionable if a regulation change could change the limits on the temporary permits and that the change may require a statute change. Ms. McAtee stated that according to Appraisal Subcommittee (ASC) policy statements that states had to issue at least two temporary permits per year. During the last ASC review the Council was told that they did not have to place limits on temporary permits and that many states did not have limits, however some did place limits on the amount of temporary practice permits that could be issued each calendar year. Mr. Baker stated that the Council should continue to research the topic and research what surrounding states required and reconvene at the next meeting on the topic. Ms. McAtee stated that the topic would be on the next agenda.

New Business

New Complaints

None

Ratification of Issued Licenses

Mr. Mandato made a motion, seconded by Mr. Long, to ratify the list of licenses issued below. The motion carried unanimously.

Mid-Atlantic Appraisal Management LLC, AMC
Cummings, Michael P., CGRPA
Kirchner, Thomas M., Jr., CGRPA
Lee, Ung, CRRPA
Kirchner, Valerie V., CRRPA
Haney, William T., Temporary Practice Permit
Lloyd-Jones, Anne R., Temporary Practice Permit
Black, James R., III, Temporary Practice Permit
Nell, Bruce E., Temporary Practice Permit
Fatout, Troy L., Temporary Practice Permit
Lees, Courtney B., Temporary Practice Permit
Baker, Timothy H., Temporary Practice Permit

Review of Application for Certified Assessor

None

Review of Application for AMC

Stewart Valuation Services –

The Council reviewed the AMC application of Stewart Valuation Services. Ms. McAtee questioned if their application section regarding ownership had been filled out correctly since their application and the application for ServiceLink Valuation Solutions had both indicated that they were owned by other companies and not individuals. The Council agreed that the ownership section could list companies as owners. Mr. Nickel questioned if Stewart Valuation Services had a branch and company office. Ms. McAtee stated that she could verify the

information after the meeting. After review and discussion, Mr. Mandato made a motion, seconded by Mr. Long, to approve the AMC application for Stewart Valuation Services contingent on receiving the correct address information for their corporate office and branch location. The motion carried unanimously

ServiceLink Valuation Solutions, LLC

The Council reviewed the AMC application for ServiceLink Valuation Solutions. After review and discussion, Mr. Nickel made a motion, seconded by Mr. Mandato, to approve the AMC application of ServiceLink Valuation Solutions. The motion carried unanimously

Ms. McAtee confirmed with the Council that all AMC registration applicants that owned more than ten percent of the company would have to submit to a background check and those owners that owned exactly ten percent or less would not need to complete a background check.

Review of Application for Examination

None

Review of Application for Re-examination

None

Review of Application for Exemption

None

Reciprocity

None

Review of Hearing Officer Recommendations

Dennis Blevins

The Council reviewed the hearing officer recommendation of Mr. Blevins. After review and discussion, Mr. Mandato made a motion, seconded by Mr. Nickel to accept and approve the hearing officer recommendation of Dennis Blevins as presented. The motion carried unanimously.

John B. Simpson

The Council reviewed the hearing officer recommendation of Mr. Simpson. After review and discussion, Mr. Nickel made a motion, seconded by Mr. Mandato to accept and approve the hearing officer recommendation of John B. Simpson as presented. The motion carried unanimously.

Review and Deliberation of Consent Agreements

Matthew Illingworth, 19-08-12

The Council reviewed and deliberated on the consent agreement for Mr. Illingworth. Ms. McAtee stated for the record that Ms. Trietley had been the contact person on complaint number 19-08-12 and that Ms. Trietley was not present. After review and discussion Mr. Mandato made a motion, seconded by Mr. Nickel, to accept the consent agreement in the matter of Matthew Illingworth, case number 19-08-12. The motion carried unanimously. The Council signed the order for Matthew Illingworth.

Joseph Napoletano, 19-13-11

The Council reviewed and deliberated on the consent agreement for Mr. Napoletano. Ms. McAtee stated for the record that Mr. Diveley had been the contact person on complaint number 19-13-11 and that Mr. Diveley was no longer a member of the Council. Mr. Nickel

stated that the consent agreement was not in line with the appraisal discipline matrix on level four, that there were only five levels of sanction in the matrix, and that level four was one step below revocation of licensure. Mr. Levering agreed with Mr. Nickel in that the disciplinary action should be more severe and represent level four on the appraisal discipline matrix. Mr. Mandato and Mr. Long felt the discipline was adequate. After review and discussion, Mr. Mandato made a motion, seconded by Mr. Long, to accept the consent agreement in the matter of Joseph Napoletano, case number 19-13-11. The motion did not carry with Mr. Levering and Mr. Nickel opposed. Mr. Maloney stated that the consent agreement would have to be tabled because five affirmative votes could not be obtained and were required as stated in 24 Del. C., Chapter 40. § 4004 (c):

§ 4004 (c) A majority of the members shall constitute a quorum for the purpose of transacting business. No disciplinary action shall be taken without the affirmative vote of at least 5 members of the Council

Lillias Brady, 19-09-12 & 19-07-13

Ms. McAtee stated that Mr. Mandato was the contact person on complaint numbers 19-09-12 and 19-07-13. Ms. McAtee stated that the Council would lose quorum once Mr. Mandato was recused. Mr. Maloney agreed and stated that the consent agreement had to be tabled since there was zero possibility that the Council could obtain five affirmative votes on the complaint once Mr. Mandato had been recused from vote.

Review of Application for Temporary Practice Permit

None

Review of Experience Log

Richard A. Foley

The experience log of Richard Foley was assigned to Doug Nickel for the selection of work samples and review.

Approval of Continuing Education Activities

After review, Mr. Baker made a motion, seconded by Mr. Nickel, to approve the continuing education in the listing below. The motion carried unanimously.

McKissock – Expert Witness Testimony: To Do or Not to Do, 7 CEs (classroom)
Appraisal Institute – Review Case Studies – General, 32QE/30CE (classroom)
Counselors of Real Estate – 2014 Midyear Meetings – 12.5 CE (classroom)
IRWA – 421 Valuation of Partial Acquisitions – 32 CE (classroom)
Loomis Appraisal – 2014-2015 7hr USPAP Update – 7 CE (Classroom)
McKissock – Reviewer's Checklist, Live Webinar – 4 CE (online)
McKissock – Understanding Residential Construction – 7 CE (online)

Board Order Compliance

None

Correspondence

None

Other Business before the Council (for discussion only)

None

Public Comment

Mr. Loomis stated that he welcomed the Council members to attend his upcoming Delaware Law, Rules and Regulations course. Mr. Loomis questioned what happened to consent agreements if the Council rejected them. Mr. Maloney stated that the consent agreement would be sent back to the Attorney General's office. The prosecutor could then decide whether to drop the case, renegotiate the consent agreement, or take the case to a formal hearing.

Anne Bernhardt introduced herself as a new appraiser in Delaware and stated that she had moved to Delaware from Vermont. Ms. Bernhardt stated that in her state they had cases that would remain open for sometimes as long as three years. Ms. Bernhardt stated that she was personally the subject of a complaint and subsequent investigation that lasted for a period of two years. Ms. Bernhardt stated that she was acquitted of the allegations in the complaint but she stated that it was a difficult and long process to go through. Ms. Bernhardt felt that it was a disservice to the public and the license holders for cases to be prolonged for such long periods of time. Ms. Bernhardt stated that in the State of Vermont their Board awarded appraisers two hours of continuing education credit for each board meeting that an appraiser attended and that their meetings were held every two months. Mr. Levering stated that the Council should entertain the notion of awarding continuing education credit for licensed appraisers attending monthly Council meetings.

Next Meeting

The next meeting is scheduled for July 15, 2014 at 9:30 a.m. in Conference Room A second floor, Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

Adjournment

Mr. Nickel made a motion, seconded by Mr. Mandato, to adjourn the meeting. There being no further business before the Council, the meeting adjourned at 11:23 a.m. The motion carried unanimously.

Respectfully submitted,



Amanda McAtee
Administrative Specialist II

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Council members and the public in supplementing their personal notes and recall for presentations